

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Rachelle Aspan

§

plaintiff.

§

v.

Case No. 4:19-cv-4076

Carrington Mortg. Servs. LLC

§

defendant.

§

**DEFENDANT CARRINGTON'S OPPOSED MOTION TO EXTEND TIME TO
FILE SUMMARY JUDGMENT REPLY**

Defendant Carrington Mortgage Services, LLC moves for an extension of time to file a reply supporting its summary judgment motion, if necessary, to 7 days after the court rules on plaintiff Rachelle Aspan's motion for leave to untimely respond to Carrington's summary judgment motion.

I. ARGUMENT & AUTHORITIES

1. On June 22, 2022, the court entered a scheduling order requiring, among other things, the parties to file dispositive motions by November 31, 2022. (Dkt. 24.) On November 30, 2022, Carrington timely moved for summary judgment on all Ms. Aspan's claims. (Dkt. 25.) On February 3, 2023, Ms. Aspan sought leave to untimely respond to Carrington's motion. (Dkt. 27.) The motion for leave is fully-briefed and remains pending with the court. (Dkts. 27, 31.)

2. On February 23, 2023, Ms. Aspan responded to Carrington's summary judgment motion. (Dkt. 32.) March 2, 2023 is Carrington's reply deadline. *See LR 7.4(E)* ("Unless otherwise directed by the presiding judge, a party who has filed an opposed motion may file a brief within 7 days from the date the response is filed.").

3. Carrington respectfully requests the court extend its deadline to file a reply to 7 days after the court rules on Ms. Aspan's motion for leave. Good cause exists to extend the deadline to

prevent Carrington from expending resources preparing a reply that may not be necessary. *See* FRCP 6(b) (the court may extend time for good cause).

4. No party will be prejudiced by the extension.
5. Carrington does not file this motion for delay, but so justice may be done.

II. CONCLUSION

Carrington respectfully requests the court extend its deadline to file a reply supporting its summary judgment motion, if necessary, to 7 days after the court rules on Ms. Aspan's motion for leave to untimely respond to Carrington's motion.

Date: February 28, 2023

Respectfully submitted,

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ATTORNEYS FOR CARRINGTON

CERTIFICATE OF CONFERENCE

I certify on February 28, 2023, I contacted plaintiff's counsel regarding the relief sought in this motion. Plaintiff's counsel have not responded. Carrington therefore files this motion as opposed.

/s/ Taylor D. Hennington
Taylor D. Hennington

CERTIFICATE OF SERVICE

A true and correct copy of this document was served on February 28, 2023 as follows:

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VIA ECF AND EMAIL

/s/ Taylor D. Hennington
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